

**SENATE JOURNAL
63RD LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 26, 2013

Senate Chambers
State Capitol

Senate convened at 9:01 a.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

2/26/2013

Correctly printed: **SB 153, SB 237, SB 241, SB 267, SB 307, SB 325, SB 326, SB 327, SB 340, SB 351, SB 352, SB 372, SJR 13.**

Correctly engrossed: **SB 84, SB 218, SB 262, SB 269, SB 272, SB 283, SB 297, SB 328, SB 336, SB 341, SB 342, SB 353, SB 356, SR 9.**

Transmitted to the House: **SB 127, SB 182, SB 207, SB 223, SB 239, SB 242, SB 257, SB 258, SB 259, SB 264, SB 266, SB 292, SB 296, SB 306, SB 312, SB 314, SB 316, SB 319, SB 331, SB 343.**

Signed by the Speaker at 8:55 a.m., February 26, 2013: **SB 47.**

Delivered to the Governor for approval at 1:00 p.m., February 26, 2013: **SB 47.**

Senate briefly recessed at 9:03 a.m. for Republican and Democrat caucuses. Senate reconvened at 9:23 a.m.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/25/2013

HB 240, introduced by C. Smith

HB 314, introduced by Kary

HB 369, introduced by Fitzpatrick

MOTIONS

Senator Wittich moved consideration of **SB 19** be passed for the day and that **SB 19** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

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Nays: Tutvedt, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: Larsen.

Total 1

Senator Hamlett moved that **SB 334** be taken from Agriculture, Livestock and Irrigation and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 24

Nays: Arntzen, Arthun, T. Brown, Buttrey, Driscoll, Facey, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Walker, Webb, Wittich, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hamlett moved that **SB 354** be taken from Natural Resources and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Keane, Larsen, Olson, Peterson, Ripley, Sesso, Stewart-Peregoy, Thomas, Tutvedt, Vuckovich, Wanzenried, Windy Boy.

Total 24

Nays: Arntzen, Arthun, Boulanger, T. Brown, Buttrey, Driscoll, Facey, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Phillips, Priest, Rosendale, Sales, Sonju, Taylor, Tropila, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

Senator Windy Boy moved that **SB 244** be taken from Business, Labor, and Economic Affairs and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Fielder, Hamlett, Keane, Larsen, Sesso, Stewart-Peregoy, Thomas, Vuckovich, Wanzenried, Windy Boy.

Total 15

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Facey, Jackson, Jent, Jergeson, Jones, Kaufmann, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Webb, Wittich, Mr. President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Phillips moved to reconsider action on **SB 247** and that **SB 247** be placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 24

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Fielder moved that **SB 359** be taken from Education and Cultural Resources and brought before the Committee of the Whole this legislative day. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, D. Brown, Fielder, Hamlett, Jackson, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent,

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Walker, Webb, Wittich, Mr. President.

Total 24

Nays: Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Hamlett moved that **SB 186** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Nays: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

HB 8, introduced by Cook, by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning, referred to Finance and Claims.

HB 12, introduced by Pease-Lopez, by request of the Children, Families, Health, and Human Services Interim Committee, referred to Public Health, Welfare and Safety.

HB 16, introduced by Hill, by request of the Law and Justice Interim Committee, referred to Judiciary.

HB 24, introduced by Ankney, by request of the Environmental Quality Council, referred to Natural Resources.

HB 37, introduced by McChesney, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.

HB 66, introduced by Hoven, by request of the Department of Revenue, referred to Taxation.

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HB 71, introduced by MacDonald, by request of the Law and Justice Interim Committee, referred to Judiciary.

HB 89, introduced by Lynch, by request of the Department of Revenue, referred to Taxation.

HB 95, introduced by Wilmer, by request of the Public Employees' Retirement Board, referred to State Administration.

HB 100, introduced by Ehli, by request of the Select Committee on Efficiency in Government, referred to Public Health, Welfare and Safety.

HB 104, introduced by Regier, referred to Judiciary.

HB 105, introduced by Steenberg, by request of the Public Employees' Retirement Board, referred to State Administration.

HB 106, introduced by Connell, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.

HB 128, introduced by Hollenbaugh, by request of the Department of Natural Resources and Conservation, referred to Natural Resources.

HB 146, introduced by Hansen, referred to Local Government.

HB 147, introduced by Redfield, Shaw, Welborn, White, referred to Fish and Game.

HB 157, introduced by Connell, referred to Highways and Transportation.

HB 158, introduced by Kary, C. Smith, referred to State Administration.

HB 163, introduced by Flynn, Boulanger, Edmunds, Redfield, referred to Fish and Game.

HB 170, introduced by Galt, Blasdel, Clark, Doane, Flynn, Hertz, Kary, Miller, Randall, Redfield, C. Smith, Zolnikov, referred to Fish and Game.

HB 179, introduced by Randall, Hagan, Kary, Welborn, referred to Fish and Game.

HB 181, introduced by Ballance, Fielder, Greef, D. Jones, Lewis, Thomas, referred to Education and Cultural Resources.

HB 184, introduced by Fiscus, referred to Business, Labor, and Economic Affairs.

HB 187, introduced by Flynn, Boulanger, Harris, referred to Business, Labor, and Economic Affairs.

HB 189, introduced by Lenz, Hollandsworth, MacDonald, Osmundson, Pease-Lopez, Randall, Salomon, referred to Agriculture, Livestock and Irrigation.

HB 195, introduced by Ingraham, referred to Taxation.

HB 200, introduced by Fitzpatrick, referred to State Administration.

HB 203, introduced by Clark, referred to Finance and Claims.

HB 205, introduced by Kerns, Arntzen, Ballance, G. Bennett, Blyton, Boulanger, D. Brown, Edmunds, Greef, Harris, Ingraham, Jackson, Kary, Miller, Neill, O'Neil, Randall, Salomon, Shaw, C. Smith, Taylor, Thomas, Walker, Warburton, Webb, Wittich, referred to Judiciary.

HB 206, introduced by Flynn, Murphy, referred to Judiciary.

HB 208, introduced by O'Neil, referred to Judiciary.

HB 210, introduced by McClafferty, Augare, B. Bennett, Boland, Caferro, Calf Boss Ribs, Coffin, Court, Curtis, Driscoll, Dudik, Facey, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Keane, Lieser, Lynch, MacDonald, Malek, McCarthy, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Price, Schreiner, Sesso, B. Smith, Steenberg, Swanson, Whitford, Williams, Wilmer, Woods, Hansen and Salomon, Hansen and Salomon, referred to Finance and Claims.

HB 224, introduced by C. Smith, Berry, Blasdel, Clark, Connell, Cook, Ehli, Greef, Hagan, Hansen, Harris, Howard, Kary, Knudsen, Lang, Lenz, McNiven, D. Moore, Priest, Randall, Sales, Salomon, Schwaderer, Sonju, Vance, Vincent, Wittich, referred to Judiciary.

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HB 225, introduced by C. Smith, Berry, Blasdel, Clark, Connell, Cook, Ehli, Greef, Hagan, Hansen, Harris, Howard, Kary, Knudsen, Lang, Lenz, McNiven, D. Moore, Priest, Randall, Sales, Salomon, Schwaderer, Sonju, Vance, Vincent, referred to Judiciary.

HB 232, introduced by Knudsen, G. Bennett, Berry, Blasdel, Buttrey, Hansen, O'Hara, Reichner, C. Smith, Sonju, Tutvedt, Vance, Walker, Welborn, referred to Business, Labor, and Economic Affairs.

HB 233, introduced by Lavin, Arntzen, Dudik, Fitzpatrick, Hollenbaugh, Jent, Larsen, Lieser, McNiven, Noonan, Sesso, Sonju, Tutvedt, referred to Judiciary.

HB 239, introduced by C. Smith, Ballance, G. Bennett, Blasdel, D. Brown, Clark, Doane, Fielder, Fiscus, Fitzpatrick, Galt, Halvorson, Hansen, Hertz, Howard, Ingraham, Jackson, D. Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lenz, McNiven, Miller, O'Hara, Osmundson, Randall, Redfield, Regier, Reichner, Rosendale, Salomon, Taylor, Thomas, Vance, Vincent, Wagoner, Walker, Warburton, Washburn, Webb, White, referred to Public Health, Welfare and Safety.

HB 245, introduced by Edmunds, referred to Local Government.

HB 247, introduced by Lavin, Fitzpatrick, Galt, Glimm, Randall, Regier, Reichner, referred to Fish and Game.

HB 252, introduced by Ingraham, referred to State Administration.

HB 254, introduced by Cook, referred to Judiciary.

HB 255, introduced by Cook, referred to Judiciary.

HB 262, introduced by Hill (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

HB 264, introduced by Ingraham, D. Moore, referred to Business, Labor, and Economic Affairs.

HB 270, introduced by Schwaderer, referred to Highways and Transportation.

HB 274, introduced by Greef, Rosendale, Sonju, referred to Business, Labor, and Economic Affairs.

HB 277, introduced by McChesney, Ankney, Bangerter, B. Bennett, Berry, Blasdel, Boland, Brodehl, Calf Boss Ribs, Cook, Court, Dudik, Eck, Ehli, Flynn, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Lavin, Lenz, Lieser, MacDonald, McClafferty, McNally, Mehlhoff, Miller, Neill, Noonan, O'Hara, Pease-Lopez, Pomnichowski, Price, Regier, Salomon, B. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Wilson, referred to State Administration.

HB 278, introduced by Washburn, Connell, Cook, Galt, Harris, Howard, Randall, Redfield, Shaw, C. Smith, White, referred to Fish and Game.

HB 280, introduced by C. Smith, Arntzen, Ballance, Blasdel, Blyton, Brodehl, Clark, Connell, Doane, Ehli, Fielder, Fiscus, Galt, Hagan, Halvorson, Hansen, Howard, Jackson, D. Jones, L. Jones, Kerns, Knudsen, Lang, Laszloffy, Lenz, McNiven, Miller, Osmundson, Randall, Redfield, Regier, Rosendale, Schwaderer, Taylor, Thomas, Vance, Wagoner, Washburn, Webb, White, referred to Public Health, Welfare and Safety.

HB 281, introduced by C. Smith, Arntzen, Ballance, Blasdel, Blyton, Connell, Doane, Ehli, Fielder, Fiscus, Fitzpatrick, Galt, Hagan, Halvorson, Hansen, Howard, Jackson, L. Jones, Kerns, Knudsen, Lang, Laszloffy, Lenz, Miller, D. Moore, Osmundson, Randall, Redfield, Regier, Rosendale, Schwaderer, Taylor, Vance, Washburn, Webb, White, Zolnikov, referred to Public Health, Welfare and Safety.

HB 283, introduced by Wagoner, Arntzen, Doane, Miller, Regier, C. Smith, Vance, White, referred to State Administration.

HB 287, introduced by Salomon, Vuckovich, referred to Judiciary.

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HB 291, introduced by Kerns, referred to Natural Resources.

HB 301, introduced by Halvorson, referred to Education and Cultural Resources.

HB 302, introduced by Kerns, Ballance, G. Bennett, Blasdel, Blyton, Cook, Cuffe, Doane, Edmunds, Fiscus, Flynn, Galt, Glimm, Hagstrom, Halvorson, Hansen, Harris, Jackson, Knudsen, Lang, Lewis, F. Moore, Osmundson, Priest, Randall, Redfield, Regier, Reichner, Salomon, Shaw, C. Smith, Taylor, Thomas, Vance, Wagoner, Warburton, Washburn, Welborn, White, Wittich, referred to Judiciary.

HB 304, introduced by Kerns, Ballance, G. Bennett, Blasdel, Blyton, Cuffe, Doane, Edmunds, Fiscus, Galt, Glimm, Halvorson, Hansen, Harris, Hertz, Ingraham, Jackson, Kary, Knudsen, Lenz, Lewis, Miller, F. Moore, O'Neil, Osmundson, Priest, Randall, Regier, Reichner, Shaw, C. Smith, Taylor, Thomas, Vance, Wagoner, Warburton, Welborn, White, Zolnikov, referred to Education and Cultural Resources.

HB 305, introduced by Lang, Knudsen, Sonju, referred to Business, Labor, and Economic Affairs.

HB 308, introduced by Lang, referred to Business, Labor, and Economic Affairs.

HB 317, introduced by Hunter, B. Bennett, Blasdel, Blyton, Brockie, Coffin, Halvorson, Hansen, Hertz, Hollenbaugh, Knudsen, Laszloffy, MacDonald, McClafferty, McNiven, D. Moore, Price, Salomon, Schreiner, Schwaderer, Vance, Washburn, and Wilmer, referred to Education and Cultural Resources.

HB 318, introduced by Mehlhoff, referred to Education and Cultural Resources.

HB 320, introduced by B. Bennett, Ankney, Augare, Bangerter, Blyton, Boland, Curtis, Driscoll, Eck, Fitzpatrick, Gibson, Hertz, Hunter, Jent, Keane, Larsen, Lieser, Lynch, MacDonald, McChesney, McClafferty, McNally, McNiven, D. Moore, Peppers, Pierson, Pomnichowski, Price, Rosendale, Schreiner, Schwaderer, B. Smith, Steenberg, Swanson, Vuckovich, Walker, Wanzenried, Whitford, Wilmer, Wilson, Woods, referred to Joint Select Committee on Pensions.

HB 321, introduced by Greef, referred to Business, Labor, and Economic Affairs.

HB 323, introduced by Cuffe, referred to Agriculture, Livestock and Irrigation.

HB 325, introduced by Regier, referred to State Administration.

HB 328, introduced by Washburn, referred to Fish and Game.

HB 333, introduced by Price, Hill, Lieser, B. Smith, Steenberg, Washburn, Woods, referred to Public Health, Welfare and Safety.

HB 334, introduced by Eck, referred to Highways and Transportation.

HB 335, introduced by Eck, referred to Judiciary.

HB 337, introduced by Redfield, Flynn, Galt, Randall, Welborn, referred to Agriculture, Livestock and Irrigation.

HB 345, introduced by C. Smith, Blasdel, Fitzpatrick, Knudsen, Vance, Zolnikov, referred to Judiciary.

HB 347, introduced by Fitzpatrick, Blasdel, Buttrey, Caferro, Lavin, Noonan, Reichner, C. Smith, Sonju, Welborn, referred to Highways and Transportation.

HB 351, introduced by Edmunds, Arthun, Clark, Coffin, Curtis, Dudik, Eck, Ehli, Glimm, Gursky, Hagan, Harris, Hertz, Hollenbaugh, D. Jones, Kerns, Knudsen, Larsen, McCarthy, Mehlhoff, Randall, Sales, Salomon, Williams, Zolnikov, B. Bennett, Coffin, Dudik, Gursky, Hill, D. Moore, Schreiner, Steenberg, and Wilson., referred to Education and Cultural Resources.

HB 356, introduced by Clark, referred to Agriculture, Livestock and Irrigation.

HB 359, introduced by Fitzpatrick, Thomas, referred to Natural Resources.

HB 360, introduced by White, Edmunds, Galt, Glimm, Hagan, Jacobson, D. Jones, Regier, Shaw,

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Welborn, referred to Fish and Game.

HB 362, introduced by Berry, referred to Business, Labor, and Economic Affairs.

HB 363, introduced by Berry, referred to Business, Labor, and Economic Affairs.

HB 367, introduced by McNiven, referred to Highways and Transportation.

HB 368, introduced by Clark, Coffin, Cuffe, Gursky, referred to Local Government.

HB 371, introduced by Ingraham, referred to Local Government.

HB 374, introduced by Fitzpatrick, Blasdel, Hansen, Knudsen, C. Smith, Vance, Welborn, Wittich, referred to Judiciary.

HB 388, introduced by Cuffe, referred to Natural Resources.

HB 389, introduced by Mehlhoff, referred to Agriculture, Livestock and Irrigation.

HB 392, introduced by Doane, Ankney, Berry, Randall, Redfield, Rosendale, Salomon, Welborn, referred to Natural Resources.

HB 414, introduced by Hoven, referred to Highways and Transportation.

HB 422, introduced by Blyton, Kary, Lang, Lenz, D. Moore, Rosendale, referred to Highways and Transportation.

HB 446, introduced by Schwaderer, Kerns, Miller, C. Smith, referred to Local Government.

HB 463, introduced by G. Bennett, Sonju, referred to Business, Labor, and Economic Affairs.

HB 469, introduced by Fitzpatrick, Glimm, referred to Business, Labor, and Economic Affairs.

HJR 3, introduced by O'Neil, Edmunds, Flynn, Galt, Glimm, Greef, Hansen, Harris, Jackson, Lavin, Lewis, Murphy, Randall, Salomon, Schwaderer, Warburton, referred to State Administration.

HJR 7, introduced by Connell, Hamlett, referred to State Administration.

HJR 9, introduced by McNiven, Ankney, G. Bennett, Berry, Blasdel, Brodehl, T. Brown, Clark, Connell, Cuffe, Edmunds, Fitzpatrick, Glimm, Hagan, Halvorson, Hertz, D. Jones, Kary, Keane, Knudsen, Lang, D. Moore, Olson, Randall, Rosendale, Salomon, Schwaderer, C. Smith, Vance, Wittich, referred to Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 344 - Senator Vincent moved **SB 344** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: Windy Boy.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 256 - Senator F. Moore moved **SB 256** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 305 - Senator Peterson moved **SB 305** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 251 - Senator Wittich moved **SB 251** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

Nays: Brenden, Priest, Ripley, Sales, Sonju, Vincent.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 180 - Senator Debby Barrett moved **SB 180** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Fielder, Jackson, Jones, Moore, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 28

Nays: Barrett Dick, Blewett, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Sesso, Tutvedt, Van Dyk, Vuckovich, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 288 - Senator Vincent moved **SB 288** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 43

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Nays: Augare, Caferro, Kaufmann, Keane, Larsen, Sesso, Stewart-Peregoy.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 - Senator Thomas moved **SB 271** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 293 - Senator Tutvedt moved **SB 293** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

SB 205 - Senator Wanzenried moved **SB 205** do pass.

SB 205 - Senator Wanzenried moved **SB 205**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "SENATE;"

Insert: "MODIFYING CERTAIN TIMELINES TO DETERMINE WHEN A SPECIAL ELECTION
WILL BE HELD CONCURRENTLY WITH ANOTHER ELECTION;"

2. Page 1, line 17.

Following: the second "occurs"

Insert: "
(a)"

3. Page 1, line 17 through line 18.

Strike: "or less" on line 17 through "years" on line 18

Insert: "through 85 days before a municipal general election"

4. Page 1, line 18 through line 19.

Following: "held with the"

Strike: "primary" on line 18 through "or"

Insert: "municipal"

5. Page 1, line 19.

Following: "election"

Insert: ";

(b) January 1 through 85 days before a federal primary election, the election must be held with the federal primary election;

(c) less than 85 days before a federal primary election, the election must be held with the federal general election;

(d) between the federal primary election and 85 days before a federal general election, the election must be held with the federal general election"

6. Page 1, line 20.

Following: "If"

Strike: "the"

Insert: "a"

Following: "vacancy"

Insert: "in the office of United States representative"

Following: "between the"

Insert: "federal"

Following: "primary and"

Insert: "the federal"

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Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Blewett, Tropila, Van Dyk.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 205 - Senator Wanzenried moved **SB 205**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jones, Lewis, Moore, Olson, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 27

Nays: Augare, Barrett Dick, Blewett, Brenden, Caferro, Driscoll, Facey, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 332 - Senator Tutvedt moved **SB 332** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 49

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Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 265 - Senator Jackson moved **SB 265** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 215 - Senator F. Moore moved **SB 215** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Fielder.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 302 - Senator Arntzen moved **SB 302** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 42

Nays: Augare, Boulanger, Jergeson, Malek, Sales, Stewart-Peregoy, Vuckovich, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 345 - Senator Vincent moved **SB 345** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 128 - Senator Buttrey moved **SB 128** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 18 - Senator Thomas moved **SJR 18** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 135 - Senator Wittich moved **SB 135** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 21

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

Senator Wittich moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Olson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 47

Nays: Hamlett, Stewart-Peregoy, Wanzenried.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the Senate recess until 12:50 p.m. Motion carried. Senate recessed at 12:20 p.m.

Senate reconvened at 12:56 p.m.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Buttrey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 173 - Senator Keane moved **SB 173** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, Buttrey, Caferro, Driscoll, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Malek, Moore, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 33

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Nays: Boulanger, T. Brown, Facey, Fielder, Jackson, Kaufmann, Lewis, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Thomas, Tutvedt, Wittich.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 195 - Senator Blewett moved **SB 195** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Sales.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 - Senator Arntzen moved **SB 290** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Rosendale, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 324 - Senator Rosendale moved **SB 324** do pass.

SB 324 - Senator Rosendale moved **SB 324**, second reading copy, be amended as follows:

1. Page 2, line 9.

Following: "~~vehicle,~~"

Insert: "recreational camping vehicle,"

Following: "home,"

Insert: ", "

2. Page 3, line 8.

Following: "~~vehicles or~~"

Insert: "recreational camping vehicles or"

3. Page 8, line 19.

Following: "ON WHICH"

Insert: "recreational camping vehicles or"

4. Page 12, line 18.

Following: "~~vehicles or~~"

Insert: "recreational camping vehicles or"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: D. Brown, Taylor.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 324 - Senator Rosendale moved **SB 324**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips,

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Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: Sesso, Wanzenried.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 347 - Senator Vincent moved **SB 347** do pass.

SB 347 - Senator Vincent moved **SB 347**, second reading copy, be amended as follows:

1. Page 2, line 8.

Following: "state waters"

Insert: "for a beneficial use pursuant to Title 85, chapter 2"

2. Page 2, line 9.

Following: "flow"

Insert: "related to a beneficial use pursuant to Title 85, chapter 2"

3. Page 7, line 18.

Following: "state waters"

Insert: "for a beneficial use pursuant to Title 85, chapter 2"

4. Page 7, line 19.

Following: "flow"

Insert: "related to a beneficial use pursuant to Title 85, chapter 2"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 50

Nays: None.
Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 347 - Senator Vincent moved **SB 347**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 49

Nays: Hamlett.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 335 - Senator Hamlett moved **SB 335** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 48

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Jergeson.

Total 1

SB 337 - Senator Hamlett moved **SB 337** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown,

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Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.

Total 41

Nays: Barrett Dick, Blewett, Facey, Kaufmann, Malek, Phillips, Van Dyk, Wanzenried, Wittich.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 320 - Senator Vincent moved **SB 320** do pass.

SB 320 - Senator Vincent moved **SB 320**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "INCLUDING" on line 6 through ""EXPENDITURE";"

2. Page 1, line 13 through line 22.

Strike: "; and" on line 13 through "vote"" on line 22

3. Page 3, line 8.

Following: "editorial"

Insert: ", commentary, or editorial"

4. Page 4, line 1.

Following: "editorial"

Insert: ", commentary, or editorial"

Amendment adopted as follows:

Yeas: Arthun, Blewett, Boulanger, T. Brown, Driscoll, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Thomas, Tropila, Van Dyk, Vincent, Windy Boy, Wittich, Mr. President.

Total 26

Nays: Arntzen, Augare, Barrett Debby, Barrett Dick, Brenden, D. Brown, Buttrey, Caferro, Facey, Fielder, Kaufmann, Malek, Moore, Murphy, Ripley, Sales, Sonju, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Walker, Wanzenried, Webb.

Total 24

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 320 - Senator Vincent moved **SB 320**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 26

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 17 - Senator Jackson moved **SJR 17** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Ripley, Sales.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 7 - Senator Caferro moved **SB 7** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T.

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Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 43

Nays: D. Brown, Priest, Sales, Vincent, Walker, Wittich, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 298 - Senator Windy Boy moved **SB 298** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 39

Nays: Barrett Debby, Boulanger, Brenden, D. Brown, Moore, Rosendale, Sales, Taylor, Vincent, Walker, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 323 - Senator Thomas moved **SB 323** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 40

Nays: Barrett Dick, Blewett, Caferro, Jent, Kaufmann, Phillips, Stewart-Peregoy, Van Dyk, Vuckovich, Wanzenried.

Total 10

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 370 - Senator Essmann moved **SB 370** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 366 - Senator Arthun moved **SB 366** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich.

Total 44

Nays: Murphy, Ripley, Stewart-Peregoy, Tropila, Wanzenried, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 361 - Senator Tutvedt moved **SB 361** do pass. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 340 - Senator Brenden moved **SB 340** do pass.

SB 340 - Senator Facey moved **SB 340**, second reading copy, be amended as follows:

1. Page 3, line 15.

Strike: "are available"

Insert: "or in electronic form are readily available"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 42

Nays: Barrett Debby, Fielder, Jackson, Kaufmann, Ripley, Sales, Tropila, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 340 - Senator Driscoll moved **SB 340**, second reading copy, be amended as follows:

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1. Title, page 1, line 5.

Following: "STATES"

Insert: "AND TRIBAL NATION"

2. Page 3, line 8.

Following: "flag"

Insert: "and a flag from each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe"

Amendment **not** adopted as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jergeson, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 23

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jent, Jones, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 340 - Senator Brenden moved **SB 340**, as amended, do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Wittich, Mr. President.

Total 34

Nays: Barrett Dick, Blewett, T. Brown, Driscoll, Facey, Kaufmann, Keane, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 307 - Senator Jergeson moved **SB 307** do pass. Motion carried as follows:

Yeas: Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Larsen, Malek, Moore, Phillips, Priest, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Mr. President.

Total 29

Nays: Arntzen, Arthun, Brenden, D. Brown, T. Brown, Buttrey, Jones, Keane, Lewis, Murphy, Olson, Peterson, Ripley, Rosendale, Sonju, Taylor, Tutvedt, Walker, Webb, Windy Boy, Wittich.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 49

Nays: Stewart-Peregoy.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

Senator Fielder moved that **SB 359** be taken from Education and Cultural Resources and brought before the Committee of the Whole the next legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, D. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Thomas, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

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Total 28

Nays: Augare, Barrett Dick, Blewett, Brenden, T. Brown, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 275 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Stewart-Peregoy, Van Dyk.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 267 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 48

Nays: Stewart-Peregoy, Wittich.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 13 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.

Total 41

Nays: Boulanger, D. Brown, Moore, Priest, Sales, Walker, Webb, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 327 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Mr. President.

Total 42

Nays: Augare, Facey, Hamlett, Sales, Stewart-Peregoy, Van Dyk, Wanzenried, Wittich.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 153 passed as follows:

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Yeas: Augare, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 26

Nays: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 325 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Phillips, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Wittich.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 326 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 237 passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Webb, Windy Boy.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 352 passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Ripley, Rosendale, Sesso, Taylor, Thomas, Van Dyk, Vuckovich, Windy Boy.

Total 30

Nays: Barrett Debby, Blewett, Boulanger, D. Brown, Fielder, Jackson, Moore, Olson, Priest, Sales, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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MOTIONS

Senator Wanzenried moved that **SB 310** be taken from Judiciary and brought before the Committee of the Whole the next legislative day. Motion **failed** as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy.
Total 25

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Larsen moved to change his vote on **SB 237** from Yes to No. Without objection, so ordered.

Majority Leader Wittich moved that the Senate adjourn until 8:00 a.m., Wednesday, February 27, 2013, forty-fourth legislative day. Motion carried.

Senate adjourned at 3:07 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate